

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).7378/2010

(From the judgement and order dated 09/06/2010 in CRLMW No.9909/2010, of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ANIMESH DAS

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for stay of arrest and office report)

Date: 13/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Rajesh, Adv.
Mr.Partha Sil,Adv.

For Respondent(s)

Mr. Gaurav Bhatia, AAG
Mr. Amit Kr. Singh, Adv.
Mr. Adarsh Upadhyay,Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioner-accused is before us inter alia questioning the order passed by the High Court of Judicature at Allahabad in Crl. Misc. Writ Petition No. 9909 of 2010, dated 09.06.2010. By the impugned judgment the High Court has refused to quash the proceedings initiated under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code at the instance of the complainant.

Learned counsel for the petitioner submits that the petitioner is neither named in the complaint(F.I.R.)made before police authorities nor in the charge sheet filed before the jurisdictional Magistrate. It is for the said reason he has

approached the High Court for quashing of proceedings against the petitioner but for strange reasons the High Court rejected the request made by the petitioner.

We have heard learned counsel for the parties to the lis.

Having perused the complaint (F.I.R.) and also the charge sheet filed by the investigating agency, nowhere, the name of the petitioner finds place. In our view in such a case the High Court ought to have exercised its jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") to quash the proceedings qua the petitioner-herein. Since that has not been done by the High Court, we allow the prayer made by the petitioner and quash the proceedings against him.

The special leave petition is disposed of accordingly.

However, we make it clear that if investigating agency finds any material against the petitioner they are at liberty to file supplementary charge sheet against him. The prosecution is also at liberty to make an application under Section 319 of the Cr.P.C.

	[Charanjeet Kaur]		[Vinod Kulvi]	
Court Master		Asstt. Registrar		